

DANIEL G. BOGDEN  
United States Attorney  
Nevada Bar No. 2137  
DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney  
Nevada Bar No. 1925  
U.S. Attorney's Office  
333 Las Vegas Boulevard South, Suite 5000  
Las Vegas, Nevada 89101  
Telephone: 702-388-6336  
Facsimile: 702-388-6787  
Email: *daniel.hollingsworth@usdoj.gov*  
Attorneys for the United States

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) 2:12-CR-368-JCM-(PAL)  
 )  
ANTONIO PHILLIP JOHNSON, )  
 )  
Defendant. )

**UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS  
EXPIRED IN PROPERTY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE  
AND FINAL ORDER OF FORFEITURE AS TO ANTONIO PHILLIP JOHNSON**

The United States of America, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully notifies this Honorable Court that its interests and rights in the following property expired pursuant to Title 21, United States Code, Section 853(h):

1. a Beretta .380 caliber semi-automatic handgun, bearing serial number F180654;
  - and
  2. any and all ammunition
- all of which constitutes ("property").

1 This Notice is made and is based on the papers and pleadings on file herein and the attached  
2 Memorandum of Points and Authorities.

3 A proposed order is submitted with this Notice.

4 Dated this 8th day of November, 2013.

5 DANIEL G. BOGDEN  
6 United States Attorney

7 /s/ Daniel D. Hollingsworth  
8 DANIEL D. HOLLINGSWORTH  
9 Assistant United States Attorney  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 A One-Count Criminal Indictment was returned against Antonio Phillip Johnson ("Johnson")  
 3 on October 2, 2012. Criminal Indictment, ECF No. 1. Johnson pled guilty to Count One of the  
 4 Criminal Indictment (ECF No. 1) on July 9, 2013. Change of Plea Minutes, ECF No. 31; Plea  
 5 Agreement, ECF No. 32. This Court entered the Preliminary Order of Forfeiture (ECF No. 33) on  
 6 July 9, 2013, and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) on  
 7 October 7, 2013, which listed the following property:

- 8 1. a Beretta .380 caliber semi-automatic handgun, bearing serial number F180654;  
 9 and  
 10 2. any and all ammunition  
 11 all of which constitutes ("property").

12 The United States of America ("United States") does not have custody of the property listed  
 13 in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio  
 14 Phillip Johnson (ECF No. 36).

15 The United States' forfeited interests and rights in the property listed in the Preliminary  
 16 Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson  
 17 (ECF No. 36) have expired. "Any property right or interest not exercisable by, or transferrable for  
 18 value to, the United States shall expire and shall not revert to the defendant . . ." Title 21, United  
 19 States Code, Section 853(h); Title 18, United States Code, Section 1963(f); *see also United States v.*  
 20 *Conner*, 603 F. Supp.2d 890, 896 (W.D. Va. 2009).

21 Based on the foregoing, this Court should enter an order indicating (a) the United States'  
 22 interests and rights in the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the  
 23 Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) have expired; and (b) the  
 24 property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture  
 25 . . .  
 26 . . .

1 as to Antonio Phillip Johnson (ECF No. 36) will not revert back to the defendant and/or any  
2 person(s) acting in concert with him and/or on his behalf.

3 Dated this 8th day of November, 2013.

4 DANIEL G. BOGDEN  
5 United States Attorney

6 /s/ Daniel D. Hollingsworth  
7 DANIEL D. HOLLINGSWORTH  
8 Assistant United States Attorney  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**PROOF OF SERVICE**

I, Michelle C. Lewis, certify that the following individuals were served the within and foregoing **UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS EXPIRED IN THE PROPERTY LISTED IN THE PRELIMINARY ORDER OF FORFEITURE AND FINAL ORDER OF FORFEITURE AS TO ANTONIO PHILLIP JOHNSON** on November 8, 2013, by the below-identified method of service:

CM/ECF:

Brenda Weksler  
Federal Public Defender  
411 E. Bonneville Avenue  
Las Vegas, NV 89101  
Email: nancy\_vasquez@fd.org  
*Attorney for Antonio Phillip Johnson*

/s/ Michelle C. Lewis  
MICHELLE C. LEWIS  
Paralegal Specialist

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANTONIO PHILLIP JOHNSON,

Defendant.

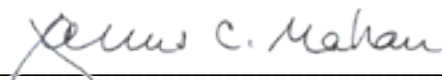
2:12-CR-368-JCM-(PAL)

**ORDER**

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America's interests and rights expired in the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the property listed in the Preliminary Order of Forfeiture (ECF No. 33) and the Final Order of Forfeiture as to Antonio Phillip Johnson (ECF No. 36) will not revert back to the defendant and/or any person(s) acting in concert with him and/or on his behalf.

IT IS SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

DATED: January 16, 2014